

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CORNELL L. WARREN,)
Plaintiff,) Civil Action No. 08-250J
v.) District Judge Kim R. Gibson
MARDI I. VINCENT, Superintendent; and) Magistrate Judge Lisa Pupo Lenihan
SALVATORE CARDENZA, Sergeant,)
Defendants.)

MEMORANDUM ORDER

The above captioned complaint was filed in the United States District Court for the Middle District of Pennsylvania on October 14, 2008, and was transferred to the Western District on October 29, 2008. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1), and former Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Defendants' Motion for Judgment on the Pleadings (doc. no. 37) was filed on May 8, 2009. The Magistrate Judge's Report and Recommendation (doc. no. 52), filed October 22, 2009, recommended granting the motion with respect to the Equal Protection claim against Defendant Vincent, and granting Plaintiff twenty days in which to file an amended complaint with respect to the Eighth Amendment claim against Defendant Vincent. The Magistrate Judge further recommended that the motion be denied with respect to all claims against Defendant Cardenza, as no arguments had been made on his behalf.

Plaintiff filed an Amended Complaint on October 30, 2009 (doc. no. 53). No objections have been filed. This Court's review of the Report and Recommendation is *de novo*.

Upon independent review of the Record, and upon consideration of the Report and Recommendation, and the Amended Complaint, the following order is entered:

AND NOW, this 4th day of January, 2010;

IT IS HEREBY ORDERED that Defendants' Motion for Judgment on the Pleadings (doc. no. 37) is GRANTED with respect to the Equal Protection claim against Defendant Vincent; it is DENIED with respect to the Eighth Amendment claim.

IT IS FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings is DENIED with respect to all claims against Defendant Cardenza.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 52) of Magistrate Judge Lenihan, dated October 22, 2009, is adopted as the Opinion of the Court.



Kim R. Gibson
United States District Judge

cc: Cornell L. Warren
FH-4385
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